

(1)—the label failed to bear the common or usual name of the article; and 403 (i) (2)—the label failed to bear the common or usual name of each ingredient.

DISPOSITION: 5-17-57. Default—destruction.

FISH AND SHELLFISH*

23941. Smelts and chubs. (F. D. C. No. 40093. S. Nos. 62-665/7 M.)

QUANTITY: 1,450 lbs. of smelts and 474 lbs. of chubs at New York, N. Y.

SHIPPED: Between 11-8-54 and 11-9-54, from Boston, Mass., and 5-28-56, from Chicago, Ill.

LIBELED: 3-15-57, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained rancid fish (smelts), and decomposed fish (chubs) while held for sale.

DISPOSITION: 4-10-57. Default—destruction.

23942. Frozen blowfish tails and frozen mackerel. (F. D. C. No. 40130. S. Nos. 62-673 M, 62-676/7 M.)

QUANTITY: 775 lbs. of blowfish tails in 16 50-lb. ctns. and 703 lbs. of frozen mackerel in 8 ctns., and 4,027 lbs. of frozen mackerel in boxes at Monmouth Beach, N. J.

SHIPPED: Between 6-30-54 and 6-25-56, from New York, N. Y.

LIBELED: 4-10-57, Dist. N. J.

CHARGE: 402 (a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 5-28-57. Default—destruction.

23943. Frozen rosefish fillets. (F. D. C. No. 40125. S. No. 61-193 M.)

QUANTITY: 100 10-lb. ctns., 10 pkgs. each, at Boston, Mass.

LABEL IN PART: (Pkg.) "Georges Bank Frosted Rosefish Fillets."

SHIPPED: The fillets were from fish caught in the waters of the Atlantic Ocean, outside the limits of Massachusetts, by the fishing vessels "Olympia LaRosa" and "Pilgrim" and landed at Boston, Mass., on 3-19-57 and 3-20-57.

LIBELED: 4-5-57, Dist. Mass.

CHARGE: 402 (a) (3)—contained parasitic cysts when shipped.

DISPOSITION: 5-15-57. Default—delivered to a public institution, for use as animal feed.

23944. Frozen walleyed pike fillets. (F. D. C. No. 40056. S. Nos. 56-819/20 M. 71-414/5 M.)

QUANTITY: 28 cases, 4 ctns. each, at Mason City, Iowa.

SHIPPED: 1-19-57, from Winnipeg, Canada, by Booth Fisheries Canadian Co., Ltd.

LABEL IN PART: (Ctn.) "Product of Canada S/F Walleyed Pike Fillets 15 lbs."

RESULTS OF INVESTIGATION: Examination showed the article contained added water in the form of ice, and the weight of the thawed fish was from approximately 8.8 percent to 13.5 percent less than 15 pounds.

*See also Nos. 23977, 23999.

LIBELED: 3-19-57, N. Dist. Iowa.

CHARGE: 402 (b) (2)—when shipped, water in the form of ice had been substituted in part for fish; 402 (b) (4)—water in the form of ice had been added to the article and packed with it so as to increase its bulk or weight and reduce its quality; and 403 (e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-10-57. Consent—claimed by Booth Fisheries Corp. and relabeled as "13 lbs."

23945. Frozen walleyed pike fillets. (F. D. C. No. 40057. S. No. 56-821 M.)

QUANTITY: 4 cases, 4 ctns. each, at Mason City, Iowa.

SHIPPED: 1-29-57, from Winnipeg, Canada, by Booth Fisheries Canadian Co., Ltd.

LABEL: (Ctn.) "Product of Canada S/F Walleyed Pike Fillets, 15 Lbs."

RESULTS OF INVESTIGATION: Examination showed the article contained added water in the form of ice and that the weight of the thawed fish was approximately 10.5 percent less than 15 pounds.

LIBELED: 3-19-57, N. Dist. Iowa.

CHARGE: 402 (b) (2)—when shipped, water in the form of ice had been substituted in part for fish; 402 (b) (4)—water in the form of ice had been added to the article and packed with it so as to increase its bulk or weight and reduce its quality; and 403 (e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-10-57. Consent—claimed by Booth Fisheries Corp. and relabeled as "13 lbs."

23946. Frozen walleyed pike fillets. (F. D. C. No. 39795. S. Nos. 25-989 M, 25-993 M.)

QUANTITY: 55 ctns. at Des Moines, Iowa.

SHIPPED: 10-4-56, from Winnipeg, Canada, by Selkirk Fisheries, Ltd.

LABEL IN PART: (Ctn.) "15 lbs. Net Queen of Lakes Canadian Walleyed Pike Fillets Product of Canada."

RESULTS OF INVESTIGATION: Examination showed the article contained added water in the form of ice. The weight of the fish when thawed was approximately 18 percent less than 15 pounds.

LIBELED: 11-30-56, S. Dist. Iowa.

CHARGE: 402 (b) (2)—when shipped, water in the form of ice had been substituted in part for fish; 402 (b) (4)—water in the form of ice had been added to the article and packed with it so as to increase its bulk or weight and reduce its quality; and 403 (e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents since the statement on the label, namely, "15 lbs." was inaccurate.

DISPOSITION: 1-7-57. Consent—claimed by E. C. Gustafson, Des Moines, Iowa. The fish were relabeled with the statement "12 pounds net" and sold to a local restaurant which had agreed that it would not be resold as frozen fish, but would be prepared for service in its dining room.

23947. Frozen walleyed pike fillets. (F. D. C. No. 40114. S. Nos. 56-828/31 M, 56-834 M.)

QUANTITY: 160 bxs., at Eau Claire, Wis.